

HISTORY OF THE RANCH CATTLE INDUSTRY IN OKLAHOMA.

EDWARD EVERETT DALE

This paper deals with that period of time from the beginning of ranching in Oklahoma upon a large scale to statehood in 1907—the period of the ranch cattle industry. The subject is treated from an historical rather than an economic viewpoint, omitting so far as possible statistics and questions of profit and loss in order to devote more space to governmental relations and the influence of cattle raising in Oklahoma upon the development of the West and upon the country as a whole.

It has seemed well to limit the subject in this way, because cattle raising in Oklahoma, during the period named, was far different from that industry in any other State of the Union and its peculiar features had a powerful and far-reaching influence. Broadly speaking, the history of the ranch cattle industry in Oklahoma is merely a part of the history of a much larger movement—that of the conquest of the American wilderness. This movement has been characterized by the appearance of various successive stages of society, that of the hunter, the herder, and the pioneer farmer. The significant thing is that Oklahoma has passed through all of these stages within a single generation, owing to the fact that Oklahoma was a region of retarded development, since it was an Indian territory in which white settlement was for a long time forbidden.

Cattle ranching as a frontier pursuit has existed in America since early colonial days. Once agricultural settlement was firmly planted along the Atlantic seaboard and began its march westward across the continent, pushing before it the broken fragments of various Indian tribes, there was always to be found along its western edge a comparatively narrow rim or border of pastoral life. For a century and more it was there, pushed on steadily west as agricultural settlement advanced, a sort of "twilight zone" with the light of civilization behind it and the darkness of savagery before. It is one of the most remarkable things in American economic history, however, that immediately after the Civil War this comparatively narrow belt of pastoral life, hitherto fairly constant in width and area, suddenly shot out into the wilderness and spread with remarkable rapidity

until it covered a region larger than all that part of the United States east of the Mississippi devoted to agriculture.¹

Among the factors chiefly responsible for this sudden and enormous expansion of the industry were the slaughter of the buffalo, thus leaving vast areas of excellent pasture lands entirely without animals to consume the grass; and the gathering up of the Plains tribes of Indians and the placing of them upon reservations in Oklahoma and elsewhere.²

The last was somewhat dependent upon the former. It was virtually impossible to keep the roving tribes of the Plains upon reservations as long as there were plenty of buffalo to be found, a potential supply of food, clothing, and shelter. But by 1880 the buffalo had almost entirely disappeared and after that date it was comparatively easy to keep the Indians upon reservations where they were fed by the Government of the United States.³ Thus the destruction of the buffalo herds not only opened up a vast pastoral region by leaving the grass formerly consumed by these animals for cattle, but it also made it possible for the ranchmen to occupy that region with some degree of safety, since the Indians could then be controlled and kept upon their own lands.

Even so, it would have been impossible for the ranching industry to have grown to such great proportions so rapidly, because enough animals could not have been found to stock these enormous new ranges, had there not existed in the Southwest a great reservoir from which they might be drawn—the State of Texas. That Commonwealth, with an area greater than the combined areas of the thirteen original States, was an ideal region for cattle raising. Climate, soil, and the land system all combined to make this true. The winters were usually mild so that cattle kept fat upon the open range throughout the year; the soil usually produced a good quality of grass, while the system inherited from Spain of granting out lands in large tracts had made Texas a region of large landed proprietors, most of whom had herds of cattle.⁴

During the four years of the Civil War Texas remained the least touched of any Southern State by that struggle. While the armies of Sherman were laying waste a broad strip through Georgia and the Carolinas, while the border States were being devastated by the troops of both sides, and while the fields of the Cotton Kingdom were lying

¹ Nimmo gives the area devoted to the range cattle industry in 1885 as 1,350,000 square miles; a region larger than the combined areas of Great Britain, Ireland, France, Germany, Denmark, Holland, Belgium, Austria (as it then was), Italy, Spain, Portugal, and one-fifth of Russia in Europe. See Nimmo, *Range and Ranch Cattle Traffic of the U. S.*, p. 1.

² Some 20 tribes of Plains Indians were brought to western Oklahoma and located upon reservations there between 1866 and 1885.

³ The disappearance of the buffalo may be traced in the reports of the Indian agents for the western tribes of Oklahoma. See Reports of Commissioner of Indian Affairs, 1876, pp. 46-49; *ibid.*, 1879, p. 65.

⁴ The census of 1860, Volume on agriculture, p. 148, gives the total number of cattle in Texas at that time as 3,534,768. Census figures are most unreliable, however, when applied to an industry of this nature, and those of that particular census are especially so.

fallow for want of laborers to till them, the cattle herds of Texas remained undisturbed and were increasing rapidly under the favorable conditions surrounding them. The result was that when the Texas soldiers returned to their homes at the close of the war they found their ranges overflowing with fine fat cattle for which they had no market though cattle and beef were selling at high prices in the North.⁵

Out of this condition grew the so-called "northern drive." Early in 1866 many Texas ranchmen gathered up herds of fat steers and drove them northward in an effort to reach market. Finding it almost impossible to drive cattle through the settled regions that must be traversed in order to reach Kansas City or St. Louis, they soon began to keep to the west of all settlements and bring their herds to shipping points on the railroads building westward through Kansas and Nebraska, which came to be known as "cow towns." Here the cattle were loaded on cars and shipped to the northern or eastern markets.⁶

It is estimated that between five and six million head of cattle were driven north from Texas during the 18 years following the Civil War, and it seems probable that this estimate is too low.⁷ The fat animals were shipped to the packing centers to be slaughtered; others were sent into the corn belt where they were fed corn for from 60 to 120 days before being consigned to the packers. Also, it was not long until the possibilities of the northern ranges were discovered, with the result that the drive to Abilene, Wichita, or Dodge City frequently became but the first part of a longer drive to Dakota, Montana, or Wyoming. It was found that both the northern and southern plains had their advantages. Texas, because of the low altitude and warm climate, remained the great breeding ground, while the northern plains became the great feeding ground; many men held ranges in both regions.

As time went on the ranch cattle industry grew in popularity. Ranching became almost a fad. Young college men from the East, as the late Theodore Roosevelt, to quote a conspicuous example, came West and engaged in the business. Foreign capitalists invested heavily in ranching ventures, and a number of these, such as Baron Richthofen and the Marquis of Mores, came over from Europe and gave their personal attention to the business. A literature of the cattle country came into existence. Large corporations were formed,

⁵ In 1866 round steak was retailing in New York at 20 to 25 cents a pound, sirloin at 25 to 35, and rib roast at 28 to 30 cents (*New York Tribune*, June 23, 1866). On the live stock market of eastern cities cattle were quoted at \$5 to \$10 per hundredweight the last-named price being refused on the Albany market Dec. 21, 1866, for a choice consignment of Illinois steers (*New York Times*, Dec. 22, 1866).

⁶ See Joseph G. McCoy, *Historic Sketches of the Texas Cattle Trade*, for a contemporary account of the development of the northern drive.

⁷ Nimmo, *Range and Ranch Cattle Traffic*, p. 28.

in many of which prominent State and national officials held stock. Within 10 years after the close of the Civil War the industry of herding had spread over the entire Plains region and extended from the edge of the agricultural settlements on the east to the Rocky Mountains and even beyond.

In the very center of this great "cow country" lay the Indian Territory, later to become the State of Oklahoma, a region larger than all New England, yet with a population of hardly more than a hundred thousand souls. Obviously it was a "strategic region," since it lay between the breeding grounds of Texas and both the markets and feeding grounds of the North, and in consequence nearly all of the cattle trails leading north crossed it. It was also interesting in itself. The eastern half was occupied by the Five Civilized Tribes of Indians who owned their lands in common and governed themselves almost as though they were five independent republics. These people, through contact with the whites in their old home east of the Mississippi, had passed from the hunting to the pastoral stage of society, but at this point had been driven westward to Oklahoma. Here they had continued the herding industry begun in the old home, but their herds were destroyed by the Civil War and their country so devastated that after that struggle they never reached the point in cattle raising that they had previously attained. The western half of the Indian Territory, with an area as great as that of Ohio, had less than 20,000 half savage blanket Indians living upon large reservations of which they made little use, while certain extensive areas such as Greer County, Old Oklahoma, and the Cherokee Outlet had no Indian inhabitants at all.⁸

White settlement was forbidden in this territory and, as an agricultural population slowly crept westward engulfing it, Oklahoma remained an attractive but little inhabited island of wilderness in the midst of swirling currents of civilization. It was as though a dike had been erected about the Indian country by governmental decree, a dike impervious to the waves of settlement that beat against it.

⁸The Indians located in Oklahoma were as follows:

Osage, 1872, 17 Stats. 228.

Kaw, 1872, 17 Stats. 228.

Ponca Sioux, 1877, 21 Stats. 422.

Pawnee, 1876, 19 Stats. 28.

Otoe and Missouria, 1882, 21 Stats. 380.

Tonkawa, formerly Nez Perce Reservation, 1884, 20 Stats. 63.

Sac and Fox, 1867, 15 Stats. 495.

Iowa Executive order, 1883, Kappler, Indian Laws and Treaties, Vol. I, 843.

Kickapoo, Executive order, 1883, *Ibid.* 844.

Potawatomi, 1867, 15 Stats. 591.

Cheyenne-Arapaho, 1869, Executive order, Kappler, Vol. I, 839.

Comanche-Kiowa-Apache, 1867, 15 Stats. 581.

The Wichita and Caddo were given their reservation in 1872 by unratified agreement, but had been living there for a long time before; they themselves said for two centuries.

Through this dike, however, the range-cattle industry at last began to flow. An industry, more fluid in its nature than agriculture, at last began to trickle through a barrier that had proved impenetrable to white settlement in the ordinary sense of the term.

This was not true at first. As long as there was abundant range elsewhere, the cattlemen who occasionally drove herds up the trails leading across Oklahoma did not view the permanent occupation of that region with much favor. True, the range and climate were excellent. Lying between the breeding grounds of Texas and the feeding grounds of the northern plains, Oklahoma had most of the advantages of both and few of the disadvantages of either. The climate was mild enough to enable cattle to live through the winter upon the open range without serious loss, and yet cool and bracing enough so that the animals grew larger and became fatter than they did in the extreme Southwest. The water supply was fairly abundant and the pasturage of the best. Yet there were disadvantages, too. The ever hungry Indians would be certain to prove a constant source of anxiety and of loss, while the Department of the Interior refused to give leases of Indian land for grazing purposes and showed an earnest determination to keep the ranchmen out. Even if it were possible to occupy ranges there by stealth, or with the connivance of Indian agents and their employees, the ranchmen would be in a region entirely without the protection of the law, and so would have little redress when their herds were preyed upon by the barbaric tribes that occupied these reservations, or by white thieves and outlaws. In consequence it was some time before there was any real attempt at permanent occupation of pasture lands in Oklahoma by the ranchmen.

As this great stream of Texas cattle continued to flow north and spread itself over the plains, attractive ranges became increasingly scarce. Cattle companies were paying large dividends, as much as 25 to 35 per cent a year in some cases,⁹ and such profits naturally caused the rapid extension of the industry. Beef contractors were permitted to bring herds into Oklahoma and hold them near the agencies for issue to the Indians; ranchmen living along the border in adjoining States permitted their cattle to drift across the line; others, driving herds on the trails across Oklahoma, began in some cases to linger for several weeks or months during the drive, and at last some of these men began to contemplate a permanent occupation of these rich pasture lands.

The first attempts met with little success. The Department of the Interior refused to approve leases or grazing permits, insisting that under the existing law it had no right to do so and called upon the

⁹L. A. Allen, *Our Cattle Industry Past and Present*, pp. 6-7.

War Department to expel all intruders.¹⁰ The latter made a half-hearted attempt to do this, but soon desisted, claiming it was impossible, and urged the Department of the Interior to permit grazing upon the western reservations in consideration of a reasonable payment for that privilege.¹¹ The Department of the Interior refused, and the result was an unseemly altercation between the two departments.

In the meantime more and more cattle were brought upon the Indian reservations. Some of the Indian agents, finding themselves confronted with a shortage of food for their charges, owing to inadequate appropriations, sought to make up the deficiency by granting to the ranchmen permission to pasture cattle upon Indian lands in exchange for beef.¹²

In the spring of 1883, the agent for the Cheyenne-Arapaho, John D. Miles, called the Indians together in council and secured the consent of the greater part of them to lease nearly all their reservation to seven cattlemen for a period of 10 years at a yearly rental of two cents an acre. The total amount of land leased was over 3,000,000 acres, for which the Indians were to receive \$62,000 a year.¹³

These leases were sent to Washington for approval by the Department of the Interior, accompanied by a letter from Agent Miles describing in glowing terms the benefits that were certain to accrue to the Indians.¹⁴ This brought the matter of grazing cattle upon Indian lands to a direct issue, since the interests involved were of such magnitude as to demand attention. The result was that the Secretary of the Interior wrote to Mr. Edward Fenlon, one of the lessees, a letter known as the "Fenlon letter," laying down the policy which the department had determined to pursue. In this letter the Secretary said in part:

While the department will not recognize the agreement or lease you mention, nor any other of like character, to the extent of approving the same, nor to the extent of assuming to settle controversies that may arise between the different parties holding such agreements, yet the department will endeavor to see that parties having no agreement are not allowed to interfere with those who have. Whenever there shall be just cause for dissatisfaction on the part of the Indians, or when it shall appear that improper persons, under the cover of such lease or agreement, are allowed in the Territory by parties holding such agreement, or for any reason the department shall consider it desirable for the public interest to do so, it will exercise its right of supervision to the extent of removing all occupants from the Territory without reference to such lease or agreement, on such notice as shall be right and proper under the circumstances under which the parties have entered the Territory and

¹⁰ See Price to Lewis, Sen. Ex. Doc. 54, 48th Cong., 1st sess., Vol. IV, p. 54 (Oct. 20, 1881). Also Price to Sec. of Int. Jan. 28, 1882, *ibid.*, p. 57, and Kirkwood to Sec. of War, Feb. 1 1882, *ibid.*, p. 58.

¹¹ Sheridan to Lincoln, Mar. 6, 1882, *ibid.*, p. 60.

¹² Report of Com. of Indian Affs., 1882, p. 68.

¹³ See enclosure of Miles to Commissioner of Indian Affairs, Apr. 6, 1883. Sen. Ex. Doc. 54, 48th Cong., 1st sess., Vol. IV, p. 92.

¹⁴ Miles to Commissioner of Indian Affairs, Apr. 6, 1883. Sen. Ex. Doc. 17, 48th Cong., 2d sess., Vol. I, p. 92.

have complied with the terms of the agreement and instructions of the department. All parties accepting such agreements should accept the same subject to all conditions herein, and subject to any future action of Congress and this department as herein stated in relation to occupants of such Territory. Instructions will be issued to the agents in accordance with this letter.¹⁵

Such a policy was little short of absurd. It invited ranchmen to enter the Indian Territory and intrigue with savage tribesmen. It placed a premium upon bribery and corruption and made of every agency employee a person to be flattered, cajoled, and, if possible, bribed by men with large interests at stake. Also, it could not be enforced. Men who had no agreements approved by the agent, but who were friendly with certain small bands of Indians, refused to remove, and their Indian friends, who were receiving more money from these ranchmen than their share of the lease money would amount to, refused to ratify the agreement made by their chiefs, and cut the fences and killed the cattle of the "approved lessees." The latter appealed to the agent for protection, demanding that men without leases be excluded; but the War Department, when called upon for troops, refused to furnish them on the ground that leases had not been approved by the Department of the Interior.¹⁶

Conditions on the Cheyenne-Arapaho reservation steadily grew worse. Agent Miles resigned and the new agent was unequal to the task imposed upon him. The Indians got beyond control, partly as a result of interference with them by rival groups of cattlemen, and a general outbreak was threatened.¹⁷ The result was that General Sheridan was sent to this reservation with all available troops in the West to quiet the trouble, and the President at last ordered all cattle to be removed from the reservation within 40 days.¹⁸ The number of cattle on the reservation was estimated at 210,000 head, but was possibly much larger. By December, 1885, all had been removed, but range was scarce elsewhere and the winter a severe one. As a result, the losses of cattle by starvation and freezing were frightful throughout the Southwest in this winter of 1885-6, and these losses were no doubt in part due to the placing of these Oklahoma cattle upon the already overstocked ranges of the bordering States.¹⁹

In the meantime the Cherokee Outlet was also the field of great ranching operations. That region had been given to the Cherokees, and a patent issued to them for it a few years after their removal; but in 1866 they had by treaty agreed to allow United States to

¹⁵ Teller to Fenlon, Apr. 4, 1882. Sen. Ex. Doc. 54, 48th Cong., 1st sess., Vol. IV, p. 99.

¹⁶ Augur to Adjutant General of the Army, Apr. 7, 1884. Sen. Ex. Doc. 17, 48th Cong., 2d sess., Vol. I, p. 97.

¹⁷ Sen. Ex. Doc. 16, 48th Cong., 2d sess., Vol. I.

¹⁸ Proclamation of July 23, 1885, 24 Stats. 1023. The ranchmen later asserted that Cleveland, by compelling immediate removal of herds from the Cheyenne-Arapaho reservation, struck the cattle interests of the United States a blow from which they never recovered.

¹⁹ See Sheridan's report, July 21, 1885. House Ex. Doc. 1, 49th Cong., 1st sess., Vol. II, pt. II, pp. 69-70.

locate friendly Indians there, the title to remain with the Cherokees until such Indians had been so located. Under the terms of this treaty, several tribes had been placed in the Outlet, but the major portion of it, amounting to over 6,000,000 acres, remained unoccupied in the hands of the Cherokees. Trail herds crossing Oklahoma early formed the practice of lingering there, in some cases spending several months on these rich pasture lands. Ranchmen in Kansas also began to allow their cattle to cross the line into the Cherokee Outlet, and in some cases drove them into that region for the winter when grass was scarce on the Kansas side of the line.

In 1879 the Cherokees awoke to the possibilities of revenue that might be derived from the Outlet and sent a collector there to levy a grazing tax on all cattle.²⁰ By this time a large portion of the region had been occupied by ranchmen with their herds. Some of these cattlemen held ranges under the cover of the names of Cherokee citizens who had taken up claims under a sort of assumed headright. Others were occupying pasture lands without any shadow of right, the various individuals determining among themselves the boundaries of each man's range under what was known as "cow custom."²¹

Most of these men paid cheerfully the grazing tax of 40 cents a head per year levied by the Cherokees, but a few evaded this payment, so that it was impossible to collect for a large number of the cattle on the Outlet. Men living in Kansas near the border would drive their cattle across the line into the Cherokee Outlet to avoid paying the property tax on them in Kansas and then drive them back into Kansas in order to avoid paying the grazing tax to the Cherokee.

In order to protect themselves and their ranges against these unscrupulous individuals, and also to aid in determining the rights of each man, the ranchmen who were regularly paying the Cherokee for grazing privileges formed, in 1880, a tentative association. The organization was a very loose one and was merely designed to fix the dates and places of round-ups, to provide some method of settling disputes, to take some measures for protection against trespassers, and also to design plans to combat fires, wolves, thieves, and other destructive agencies.²²

As more and more cattle were brought into the Outlet, fences were erected about many ranges as a convenience in holding the animals. Also, the Cherokees became more efficient in collecting the grazing tax. The treasurer of the Cherokee Nation came each year to Caldwell, Kans., and established an office there for the collection of this money,

²⁰ Testimony of Ben S. Miller before the Senate investigating committee, Jan. 9, 1885. Sen. Rep. 1278, 49th Cong., 1st sess., Vol. VIII, pp. 79-80.

²¹ *Ibid.*

²² Testimony of John A. Blair before the Senate investigating committee Jan. 21, 1885. Sen. Rep. 1278, 49th Cong., 1st sess., Vol. VIII, p. 180.

but in spite of his best efforts it was impossible to get all that was rightfully due.²³

In the meantime the fame of the Cherokee Outlet as a desirable field for ranching had spread to such an extent that the Department of the Interior began to receive numerous inquiries relative to the matter of securing grazing privileges in that territory. Replies to some of these referred the inquirers to the Cherokee authorities, with the explanation that the lands in question were in the possession and under the jurisdiction of the Cherokee Nation of Indians, and sometimes added the information that these Indians granted permits for grazing cattle there.²⁴ However, to inquiries as to whether or not the Interior Department would permit a lease to be negotiated with these Indians for a term of years and would recognize it and protect the lessees, the Commissioner of Indian Affairs returned a reply in the negative.²⁵

It was evident that the tenure of these men occupying the Outlet with herds of cattle was very precarious, and late in 1882 their operations were reported to the Department of the Interior, and an order was issued requiring them to remove all fences and other improvements from these lands within 20 days, failing which they would be removed by the military.²⁶ Fortunately for the ranchmen, the War Department again showed the utmost reluctance to carry out the request of the Department of the Interior. In the meantime, such a storm of protest was aroused that the order was held in suspension and the cattlemen were allowed to try to make some arrangement with the Cherokee authorities for a more permanent occupation of the Outlet.²⁷

This they did in the spring of 1883, by forming an organization known as the Cherokee Strip Live Stock Association, and obtaining from the Cherokee National Council a lease of the Outlet for a term of five years at a rental of \$100,000 a year.²⁸

The association thus formed was perhaps the largest organization in the world for the promotion of the livestock industry. It was chartered under the laws of Kansas, and embraced more than a hundred individuals and firms. Its members held at this time some 300,000 head of cattle upon the Cherokee Outlet and enormous numbers elsewhere. Its surveyors set to work to determine the boundaries of each member's range, and its court of arbitration

²³ The amounts collected each year were as follows: 1879, \$1,100; 1880, \$7,620; 1881, \$21,555.54; 1882, \$41,233.81. See *Cherokee Advocate*, Feb. 6, 1885.

²⁴ Acting Commissioner Stevens to Alvord and Woodruff, May 6, 1881. *Sen. Ex. Doc. 54*, 48th Cong., 1st sess., Vol. IV, p. 128. Also, Stevens to Holt, May 20, 1882. *Ibid.*, p. 10.

²⁵ Price to Strong, Oct. 11, 1881. *Ibid.*, p. 128.

²⁶ Price to Tufts, Dec. 30, 1882. *Ibid.*, p. 130.

²⁷ Teller to Price, Mar. 16, 1883. *Ibid.*, p. 150.

²⁸ *Sen. Ex. Doc. 17*, 48th Cong. 2d sess. Vol. I, pp. 151-152.

heard and settled questions involving tens of thousands of dollars.²⁹ Its power and influence were of the greatest. Some of its members drove their herds into the region known as "Old Oklahoma," others occupied some of the reservations to the south. The cattlemen who had been removed from the Cheyenne and Arapaho country gradually came drifting back again, and men belonging to the Cherokee Strip Live Stock Association also took herds into that region. Other associations were formed but not on so large a scale.

These associations were unique. The ranchmen were without any adequate protection of law and in consequence formed these extra legal organizations, not with the object of securing liberty under ideals of individualism as was the case with most earlier frontier organizations, but to protect property—their herds of cattle. Thus they were economic, rather than political, in their nature, and foreshadowed the later associational arrangements of "big business" that sought to act as corporate persons in accordance with frontier ideals.

For more than six years the Cherokee Strip Live Stock Association was a great power in the Southwest. It fenced the remaining lands of the Outlet, improved the breed of cattle, provided better shipping facilities at the various "cow towns," sought diligently to protect the property of its members against thieves, fire, wolves, and disease, and all the while carried on a bitter struggle against a multitude of opposing elements that sought to destroy it. In this struggle the association always proved the victor until it was at last forced to yield to the power of no less an antagonist than the United States Government itself.

Even then it was not through any fault or mismanagement on the part of its directors and members that the association was driven out of this region. It was merely the victim in a struggle between the United States Government and the Cherokees in which the former sought to induce the latter to cede the lands of the Outlet to furnish homes for white settlers. The great corporation which had for years withstood the attacks of many bitter enemies was at last caught and crushed between these two powerful opposing forces. It was the more or less "innocent bystander," or perhaps it would be more correct to say it was the source of food supply of one of the opponents which must be destroyed in order to force the enemy to surrender.

At the expiration of the five-year term for which the Cherokee Outlet had been leased, the association obtained from the Cherokees a new lease for a second period of five years, paying this time the sum of \$200,000 a year.³⁰ But the Government of the United States had

²⁹ Lyons to Eldred, July 21, 1883, Aug. 26, 1883, and Sept. 26, 1883. Chas. Eldred Papers.

³⁰ Lyons to Eldred, Dec. 8, 1888. Chas. Eldred Papers.

determined to secure a cession of these lands from the Cherokees in order that they might be opened to white settlement, and now, through the Cherokee Commission, appointed for that purpose, offered the Indians \$1.25 an acre for all the lands of the Outlet. Since they had already been offered \$3 an acre, or a total sum of \$18,000,000, for the Outlet, by a cattle syndicate, provided they could get the consent of the United States to sell,³¹ the Cherokees naturally refused the offer of the Government and persisted in this refusal in spite of repeated pleadings and bullyings.

Accordingly, after obtaining from the Attorney General an opinion that the Outlet leases had no legal force or validity, President Harrison, about the middle of February, 1890, issued a proclamation forbidding grazing on the lands of the Cherokee Outlet as prejudicial to the public interests, and ordering all cattle to be removed by October 1, 1890, or sooner, if the lands were in the meantime opened to settlement.³²

The Indians here met with the same attitude on the part of the Government of the United States that they had met in Georgia more than half a century before. Their lands were needed for white settlement, and yet they refused to cede their equity for what the United States officials regarded as a fair price. As a result, and in order to compel this cession, it was decided that they must be deprived of all revenue or benefit from these lands until such time as they were willing to yield.

The removal of the ranchmen from the Outlet and the opening of the latter to white settlement was inevitable sooner or later. But the removal of the cattlemen at just this time was a political rather than an economic step, though the ultimate purpose of the Government was a great economic change in this region through the opening of this land to agricultural settlement. Since this settlement did not take place for more than three and a half years after the issuance of the President's proclamation, and not until almost three years after the ranchmen had been forced out, the conclusion follows that the ranchmen were not removed in order to make room for settlers, but to stop the revenue derived from these lands by the Cherokees, and so induce the Indians to cede this area upon the terms offered. This cession they were at last forced to make, though the price paid was a little more than was at first offered, amounting to about \$1.40 an acre.³³

³¹ See 25 Stats. 1005, and Sen. Misc. Doc. 80, 50th Cong., 2d sess., p. 20.

³² See Opinion of Attorney General Miller, 19 Opinions, 499, and 26 Stats. 1557. This opinion of Attorney General Miller merely reaffirmed that of Attorney General Garland given July 21, 1885. See 18 Opinions, 235.

³³ See agreement in Sen. Ex. Doc. 56, 52 Cong., 2d sess., Vol. V, pp. 15-16.

The replacing of the ranchmen on the Cherokee Outlet with an agricultural population was but one chapter in the story of the struggle between the cattlemen of Oklahoma and the pioneer farmers of adjoining States. It was a struggle which had begun almost as soon as cattle had been brought into that territory and was to continue practically without intermission until the herds had been forced out and the entire region given over to farming.

As agricultural settlement advanced steadily westward on either side of Oklahoma and good farming lands became increasingly scarce, the pioneer farmers began to look with longing eyes toward the great reservations of the Indian Territory. The presence there of many ranchmen, while they themselves were excluded, aroused the bitter resentment of the pioneer farmers, who at last began to make determined efforts to secure the opening of these lands to settlement. Naturally these efforts were resisted by the cattlemen, and the hostility of the would-be settlers was greatly increased by this resistance. The ranchmen came to be regarded as wealthy monopolists, and it was alleged that they bribed the United States officials, corrupted the Indians, and intimidated those who sought to oppose them.³⁴

Not only did the settlers along the border seek to secure the opening of these lands by act of Congress, but failing in this, they made determined efforts to settle some of them in defiance of law, and when they were removed by the military many of them insisted that the action of the United States Government had been taken at the instigation of the cattlemen. Little newspapers grew up near the border, established apparently for the twofold purpose of "booming" the opening of Oklahoma lands to settlement and of abusing the cattlemen. The press throughout the country took the matter up; the question of opening Oklahoma to settlement found its way into politics, and office seekers, both local and national, with an eye upon the farmer vote, urged it vigorously, and added their voices to the general outcry against the ranchmen. That the occupation of the country by agricultural settlement was inevitable sooner or later must have been obvious to all. The important thing about the whole matter is that the ranchmen in this way received much unfavorable advertising. They were so criticized and abused by these would-be settlers and their sympathizers that along with public opinion favorable to opening the Indian lands to settlement there also grew up, in the same proportion, a public opinion bitterly adverse to the cattlemen. This was especially true because added to this clamor was that of the homesteaders in other Western States and Territories who urged that the ranchmen monopolized the public domain and sought to prevent settlement.

³⁴Jackson and Cole, *Oklahoma*, pp. 134-135.

Out of all this there grew up and crystallized a public opinion that has never changed—to the effect that the cattlemen of our western plains were in a great measure selfish, brutal, and domineering, using their great wealth and the power derived from organization to oppress.

It is false in a great measure, but the opinion still persists, because the ranching industry largely disappeared before it had time to live down the charges thus preferred against it. In consequence, there is a widespread popular belief that the cattlemen were among the first "malefactors of great wealth" of the nineteenth century. From these accusations it was but a step to accusations against railways, manufacturers and others, so it may be confidently asserted that the strong public sentiment against combinations of capital and unscrupulous individuals of great wealth which characterized the "Populistic Southwest" was in part due in its origin to this struggle over Oklahoma between the ranchmen and pioneer settlers.

It was a losing struggle for the cattle interests, however, and in time the dike placed about Oklahoma by governmental decree gave way and settlement came pouring through. Even then the replacing of ranching by agriculture in Oklahoma was most peculiar and has no counterpart in any other State. The settling of most Western States by an agriculture population has been like the slow, steady leaking of water into the hold of an old-type ship until it was full. That of Oklahoma was like the sudden bursting of water into the hold of a modern vessel divided into many water-tight compartments. The first region to be opened to settlement in the Indian country was "Old Oklahoma" which was opened in 1889, and almost each succeeding year for the next decade saw one or more areas added to the original nucleus. The Panhandle was added to Oklahoma in 1890 by the organic act; the Sac and Fox, Potawatomi, and Iowa Reservations were opened in 1891; the Cheyenne-Arapaho Reservation in 1892; the Cherokee Outlet in 1893, and various others, one by one until the last one, the "Big Pasture," was settled in 1906.

Long before the last one was settled, the Department of the Interior had adopted a system of leasing Indian lands for grazing purposes, and so as each Indian reservation was opened and settled, in most cases almost in a single day, the ranchmen withdrew their herds into those remaining until with the opening of the last they found there were no longer any pasture lands left to them.

It should be noted that opening these lands to white settlement did not constitute taking the land from the Indian and giving it to the settler. The Indian did not use the land. As an economic factor he was negligible. What really happened was the taking of the land from the ranchmen and the giving it over to agriculture.

But few better examples can be found in our history of the complete change in the economic life of large regions through legislation.

It should be observed, too, that the peculiar method of settling Oklahoma proved disastrous to many ranchmen. Large areas were settled in a single day; no time was given for adjustment; crowds of settlers, swarming across lands not yet open to settlement in order to reach others that were, burned the grass, cut the fences, and brought disease to the cattle. Changes came with startling rapidity. The cattlemen unable to adapt themselves to these conditions suffered heavy financial losses, with the result that as the industry passed out many of them found themselves entirely ruined.

Even after some of the reservations were settled, the cattle industry lingered on, in some cases for a year or two, but here it merges with another story—that of ranching upon the public domain. However there was little of this, and generally speaking the coming of agricultural settlement marked the passing of the ranch cattle industry in Oklahoma.